IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE TWENTY FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS. JUSTICE T.MEENA KUMARI

&
THE HON'BLE MR. JUSTICE S.ANANDA REDDY

WRIT APPEAL NO : 267 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 08/02/2005 in WP NO: 86 OF 2005 on the file of the High Court.)

Between:

1 B.N. Goud, S/o. Ramulu, Conductor, APSRTC, Mahabubnagar Bus Depot,

Mahabubnagar
2 K.B.S. Kumar, S/o. Buchaiah, Hindu, Conductor, APSRTC,

Mahabubnagar Bus Depot, Mahabubnagar
3 M.C. Shekhar, S/o. M. Kurmaiah, APSRTC, Mahabubnagar Bus

Depot, Mahabubnagar

APPELLANTS

AND

1. The Regional Manager APSRTC, Mahabubnagar Region at

Mahaboobnagar.
2 The Depot Manager, APSRTC, Mahabubnagar Bus Depot,

Mahaboobnagar.

RESPONDENTS

Counsel for the Appellants :MR.P.VENKATESWARA RAO

Counsel for the Respondents: MR.P.VINAYAKA SWAMY

The Court made the following:

JUDGMENT: (Per Honourable Smt. Justice T.Meena Kumari)

This writ appeal is filed by the appellants herein aggrieved by the order in W.P.No: 86 of 2005, dated 08-02-2005 under which the learned single Judge disposed of the writ petition to the extent indicated therein.

The appellants herein are writ petitioners and the respondents herein are the corporation authorities.

Originally the writ petitioners who are working as conductors have been transferred from APSRTC, Mahabubnagar Bus Depot to Kalwakurthy Bus Depot on administrative grounds. Aggrieved by the same, the present W.P. No: 86 of 2005 has been filed by them seeking to declare the action of the corporation authorities in transferring them from APSRTC, Mahabubnagar Bus Depot to APSRTC, Kalwakurthy Bus Depot as arbitrary and illegal and to set aside the office order No.P1/1(1)/04(RM-(MB) dated 28-12-2004 of R1 and to continue the writ petitioners in APSRTC, Mahabubnagar Bus Depot. The learned single Judge having set aside the observation in the order impugned in so far as the observation that the petitioners have been absenting themselves from duties, which caused serious disruption to bus services and that their cases have to be reviewed basing on the performance of their duties periodically at the depot to which they were transferred, is concerned, observed that the impugned order cannot have any stigma in the service conditions of the petitioners for considering their case to promotion or any other aspect and that if the duties performed by the petitioner are found not satisfactory, it is for the respondents to take appropriate decision in accordance with law after affording an opportunity to the petitioners. Accordingly, the writ petition was disposed of. Having aggrieved by the same, the present writ appeal is preferred by the writ petitioners.

Heard the learned counsel on either side.

We have perused the order impugned. As a matter of fact, the Courts will not interfere in respect of the orders on administrative grounds unless there is arbitrariness or illegality. The petitioners have challenged the orders of the respondents in transferring them. A perusal of the record goes to show that the said transfers have been effected for smoother running of the administration and for prevailing discipline in the Institution. Unless there are latches on the part of the employees, there

cannot be any action by the employer. In the instant case, the record goes to show that due to the unsatisfactory performance of the petitioners, they have been transferred. In the circumstances, We feel that the observations made by the learned single while disposing of the writ petition, which are not within the ambit of the writ petition, are liable to be set aside.

In view of the above facts and circumstances of the case, We do not find any reason to interfere with the order of the respondents and consequently, the observations of the learned single judge while disposing of the writ petition, are liable to be set aside. We see no merits in this writ appeal as well as the writ petition and accordingly, they are liable to be dismissed.

In the result, this writ appeal as well as the writ petition are dismissed. No costs.

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Justice T.Meena Kumari

Date: 21-02-2005

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Justice S.Ananda Reddy

Dvs/Gurc

Copies to:

1. The Regional Manager APSRTC, Mahabubnagar Region at Mahaboobnagar.
2. The Depot Manager, APSRTC, Mahabubnagar Bus Depot, Mahaboobnagar.

3. Two CD copies.

THE HONOURABLE SMT. JUSTICE T.MEENA KUMARI

&

THE HONOURABLE SRI JUSTICE S.ANANDA REDDY

WRIT APPEAL NO: 267 of 2005

(Judgment delivered by

the HonourableSmt. Justice T.Meena Kumari)

21st February, 2005